(100)

HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition (S) No. 3955 of 2007

PETITIONERS

1) Udey Ram Sahu, S/o. Shri Alai Ram Sahu, aged about 47 years, R/o. village Beltukari, Tahsil Rajim, District Raipur, CG.

2) Madan Lal Sahu, S/o. Late Ramadhar Sahu, aged about 47 years, R/o. village Koma, P.O. Kirvai, Tahsil Rajim, District Raipur, CG.

3) Smt. Shyama Bai, D/o. Shri Gangaram Yadav, W/o. Samaru Yadav, aged about 50 years, r/o. village : Patharra, P.O. Rajim, District Raipur, CG.

4) Siyaram Sahu, S/o. Late Shri Bishal Sahu, aged about 46 years, r/o. village Bakli, Tah. Rajim, District Raipur, CG.

5) Shri Manharan Sahu, S/o. late Gopal Sahu aged about 47 years, r/o. village Beltukari, Tahsil – Rajim, District Raipur, CG.

6) Shri Shyam Lal S/o. late Shri Pranu Ram, aged about 55 years, r/o. village Semartara, P.O. Kirvai, Tahsil Rajim, District Raipur, CG.

7) Shri Ghashuram Nishad, S/o. Late Nirbhar Nishad, aged about 50 years, r/o. village Shyam Nagar, P.O. Barounda, Tahsil – Rajim, District Raipur, CG.

8) Duljram Sahu, S/o. Shri Thanwar Sahu, aged about 52 years, r/o. village Borshi, P.O. Borshi, Tahsil –Rajim, District Raipur, CG.

Versus

RESPONDENTS

1) State of Chhattisgarh, through the Secretary, Public Works Department, Mantralaya, D.K.S. Bhawan, Raipur, CG.

2) Engineer-in-chief, Public Works

101

Department, Raipur, CG.

3) Executive Engineer, Public Works Department, Raipur, CG.

4) Sub-Divisional Officer, Public Works Department, Sub-Division Rajim, Raipur, CG.

(Writ Petition under Article 226/227 of the Constitution of India)

SB: Hon'ble Mr. Justice Satish K. Agnihotri

Present: Shri R.K. Pali, counsel for the petitioner.
Shri Sumesh Bajaj, Govt. Advocate for the State.

ORDER
(Passed on 11th July, 2007)

By this petition, learned counsel appearing for the petitioners submits that the petitioners were employed in the year 1978 in the Public Works Department and the petitioners, who have worked for more than 27 years as Gangmen, seek the relief that the petitioners being permanent Gangmen be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki –Ayu) Adhiniyam, 1967 (for short, "the Act, 1967") read with Fundamental Rule (for short, "F.R") 56.

2) According to learned counsel for the petitioners, the petitioners attained the status of permanent employees, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979 (for short, "the Rules, 1979), framed under Article 309 of the Constitution of India. After having attained the status of the permanent employees the petitioners would retire on attaining the age of 62 years on superannuation under the provisions of the Act, 1967.

3) Learned counsel appearing for the petitioners would submit that the case of the petitioners is squarely covered by the decision of this Court passed on 4th January, 2007 in W.P.No. 108/2005 (Govind Vs. State of Chhattisgarh & others) and other connected matters.

4) Learned counsel appearing for the respondents/State does not dispute the submissions made by learned counsel for the petitioners.

5) The respondents are at liberty to consider the facts of the case asto whether the petitioners have completed 15 years as gangmen. In the event, it is found that they have completed 15 years of service, the case shall be governed by the decision of this Court in Govind Vs. State of Chhattisgarh and others (supra).

6) Accordingly, the petitioners, who are permanent gangmen, are entitled to retire on attaining the age of 62 years in accordance with the Act, 1967. The petition is accordingly allowed, subject to verification of facts. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

raju